REMARKS

In response to the restriction requirement, claims 1-18 are pending and claims 19-20 are withdrawn.

The office action indicates that the implantable drug delivery device is described with respect to three different species: i. Figs. 1-3; ii. Figs. 4-6, and iii. Figs 7-8. Applicant respectfully traverses this interpretation of the invention. As indicated by the claims, the drug delivery device generally includes a housing suitable for implantation in a patient, a storage means for storing a quantity of drug in dry powder form, metering means for metering a predetermined, effective amount of the drug; and delivery means for delivering an effective amount of the drug to a patient to treat the disorder.

As such, Figs. 1-3 generally depict the storage means for storing the drug in dry powder form and the metering means. Figs 4-6 generally depict the delivery means which is connectable to the metering means/storage means. See paragraph 57, line 3 where it states "The catheter has a main body 54 and a drug delivery portion 58. The proximal end 55 of the catheter 50 is in fluid communication with reservoir and metering means 52. The reservoir and metering means may be any suitable means, such as those described above [e.g., Figs 1-3] ..." Figs. 7-8 depict an alternative embodiment of the delivery means which is connectable to the storage means and metering means of Figs. 1-3. Thus, with regard to the drug delivery device, applicant submits that independent claims 1 and 3 are generic while independent claim 13 is a narrower claim directed to a specific drug delivery device, wherein the drug delivery device includes a drug delivery preservation means.

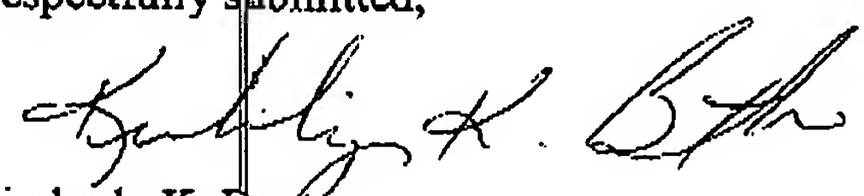
The office action also indicates that there is no generic claim with regard to the delivery path preservation means. Applicant respectfully traverses this interpretation of the invention. Applicant submits that claim 13 is in generic form with regard to the "delivery path preservation means for resisting fibrous occlusions" as evidenced by dependent claims 14, 16, 17, and 18

which further define the characteristic of the delivery path preservation means for resisting fibrous occlusion as a polyglycine et al., a means for delivering a substance for resisting fibrous occlusion, a fluid coating, or a film on the catheter. Thus, the delivery path preservation means in and of itself is the means that resists the fibrous occlusions of the drug delivery port. And, the delivery path means can comprise various substances, a coating on the catheter, or a film on the catheter. See paragraph 13.

In conclusion, applicant agrees with the restriction with regards to claims 1-18 and 19-20, however applicant disagrees with the species interpretation that has been provided. In view of the above, applicant submits that generic claims are present in the application and requests that the requirement for an election of species be withdrawn.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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